

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Jan 06, 2021

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

MARGARITA V. H.,

Plaintiff,

v.

COMMISSIONER OF SOCIAL

SECURITY,

Defendant.

No. 2:20-CV-00101-SAB

**ORDER GRANTING
STIPULATED MOTION FOR
REMAND**

Before the Court is the parties' Stipulated Motion for Remand, ECF No. 21. Plaintiff is represented by Thomas Bothwell and Defendant is represented by L. Jamala Edwards. The parties stipulate that the above-captioned case be reversed and remanded for further administrative proceedings, including a *de novo* hearing pursuant to 42 U.S.C. § 405(g). The parties further agree that reasonable attorney fees should be awarded under the Equal Access to Justice Act, 28 U.S.C. § 2412, upon proper request to the Court.

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ORDER GRANTING STIPULATED MOTION FOR REMAND * 1

1 Accordingly, **IT IS HEREBY ORDERED:**

2 1. The parties' Stipulated Motion for Remand, ECF No. 21, is **GRANTED**.

3 2. The decision denying benefits is **REVERSED** and **REMANDED** for
4 further administrative proceedings. On remand, the Appeals Council agrees to
5 consider whether the record warrants issuing a decision at their level. If the
6 Appeals Council decides to remand to an Administrative Law Judge ("ALJ"), the
7 ALJ will direct further development of the record, including evaluating,
8 considering, and exhibiting additional evidence and consulting with a medical
9 expert, if necessary, to resolve any existing conflicts, and issue a new decision. If
10 remanded to the ALJ, the ALJ shall also:

- 11 • Take any steps necessary to fully develop the record;
- 12 • Offer Plaintiff the opportunity for a hearing, to submit additional
13 evidence, and make new arguments;
- 14 • Reevaluate the medical and nonmedical opinion evidence of record;
- 15 • Reevaluate Plaintiff's subjective testimony;
- 16 • Further evaluate Plaintiff's maximum physical and mental residual
17 functional capacity;
- 18 • As needed, seek supplemental vocational expert evidence on whether
19 Plaintiff can perform any work with her assessed limitations, in
20 particular (but not limited to) her reaching limitations; and
- 21 • Reassess whether Plaintiff could perform past relevant work or other
22 jobs at Step Five.

23 3. This remand is made pursuant to 42 U.S.C. § 405(g).

24 4. Plaintiff's Motion for Summary Judgment, ECF No. 14, is **DISMISSED**
25 **as moot**.

26 5. Upon proper presentation, this Court shall consider Plaintiff's application
27 for fees and expenses under the Equal Access to Justice Act, 28 U.S.C. § 2412(d).
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1 6. The District Court Executive is directed to enter judgment in favor of
2 Plaintiff and against Defendant.

3 **IT IS SO ORDERED.** The District Court Executive is hereby directed to
4 file this Order, provide copies to counsel, enter judgment, and **close** this file.

5 **DATED** this 6th day of January 2021.



10 *Stanley A. Bastian*

11 Stanley A. Bastian
12 Chief United States District Judge
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